IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

Suit No.3357 of 2005

M/s Rajesh Builders ..Plaintiff

V/s

Arjun Anant Waghmare ..Defendant

Shri P.P.Madan with Abhay Patki i/b Tamhane and Co. for the plaintiff

Shri A.G.Damle i/b J.P.Dubey for defendant

CORAM:D.K.DESHMUKH,J.

DATED:28th June 2007

P.C.:-

1. By consent of the parties the suit itself is disposed of on the following terms :

2. Receiver of this Court is appointed as a Receiver of the property viz. "bearing new CTS Nos.1271J admeasuring 960 sq.mtrs. and new CTS No.1271K admeasuring 141.2 sq.mtrs aggregating to 1101.2 sq.mtrs or thereabout lying being and situate at village Eksar, Taluka Borivali in the registration District and Sub District of Mumbai City and Mumbai Suburban and bounded as follows:

On on towards North : by Road

On or towards East : by property bearing CTS no.1290
On or towards South : by property bearing CTS no.1308 and 2507
On or towards West : by property bearing CTS no.1278"

It is common ground that the property is vacant and no construction is standing on the property and that without obtaining permission of Bombay Municipal Corporation no construction can be raised on the property. The Receiver shall take possession of the property and take steps to protect the property at the expenses of the plaintiff.

3. In case of somebody on behalf of the defendant or some body along with defendants institute a suit in respect of the suit property and secure appropriate orders from the competent court on or before 31-10-2007 the Receiver shall abide by the orders received by him. If Receiver does not receive any orders till 31-10-2007 the Receiver shall hand over possession of the property to the plaintiff and then the Receiver shall stand discharged. It is clarified that even thereafter it will be open to the defendant to institute a suit for establishing his title in respect of the suit land.

4. Refund court fees to the plaintiff as per rules.

5. Suit disposed of.

(D.K.DESHMUKH,J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

Notice of Motion NO.3908 of 2005

In

Suit No.3357 of 2005

M/s Rajesh Builders ..Plaintiffs

V/s

Arjun Anant Waghmare ..Defendant

Shri D.D.Madan with Abhay Patki i/b Tamhane and Co for the plaintiff

Shri A.G.Damle i/b J.P.Dubey for Defendant

CORAM:D.K.DESHMUKH,J.

DATED:28th June 2007

P.C.:-

1. In view of the order passed in Suit, Notice of Motion does not survive.

2. Notice of Motion disposed of.

(D.K.DESHMUKH,J.)